

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES
AND LIABILITY LITIGATIONS**

Master Docket No. 3:16-md-02738 (FLW)

Honorable Freda L. Wolfson

This document relates to:

BARBARA MIHALICH, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

JOHNSON & JOHNSON and JOHNSON
& JOHNSON CONSUMER
COMPANIES, INC.,

Defendants.

Case No.: 3:16-cv-06695 (FLW)

**JOINT STIPULATION AND REQUEST FOR ENTRY OF FINAL JUDGMENT;
AND [PROPOSED] ORDER**

Timothy G. Blood
Paula R. Brown
BLOOD HURST & O'REARDON, LLP
701 B Street, Suite 1700
San Diego, CA 92101
T: 619/338-1100
F: 619/338-1101

Attorneys for Plaintiff Barbara Mihalich

Matthew D. Powers
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111-3823
T: 415/984-8700
F: 415/984-8701

*Attorneys for Defendants Johnson & Johnson;
and Johnson & Johnson Consumer Inc.*

JOINT STIPULATION

Plaintiff Barbara Mihalich and Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc. (collectively “J&J,” and together with Plaintiff, the “Parties”) jointly stipulate and request that the Court dismiss the *Mihalich* consumer class case (Case No. 3:16-cv-06695-FLW-LHG) on the same basis that the Court dismissed the *Estrada* consumer class case (ECF Nos. 50, 51, Case No. 3:16-cv-07492-FLW-LHG), as set forth below.

WHEREAS, on July 14, 2017, the Court dismissed with leave to amend the First Amended Complaint in *Estrada*, concluding that Plaintiff Mona Estrada did not allege any injury in fact and “lacks standing to bring suit.” Case No. 3:16-cv-07492-FLW-LHG, ECF Nos. 50 (Opinion), 51 (Order Granting Motion to Dismiss);

WHEREAS, on August 9, 2017, Plaintiff Estrada filed a Request for Entry of Final Judgment, stating that she did not intend to amend her complaint and requesting that the Court enter a final judgment “so that the time for Plaintiff to appeal the Court’s Order begins to run.” *Id.*, ECF No. 52;

WHEREAS, on August 10, 2017, the Court ordered that the *Estrada* case be dismissed and that the matter be closed. *Id.*, ECF No. 53;

WHEREAS, per the Court’s instruction, the Parties have considered the similarities and differences (if any) between California and Illinois law on the relevant issues and have reviewed Ms. Mihalich’s claims under Illinois law in light of the Court’s reasoning and ruling in *Estrada*;

WHEREAS, although Plaintiffs disagree with the Court’s reasoning and ruling in *Estrada*, given the substantial similarities between the facts and allegations in *Estrada* and *Mihalich* the Parties expect and agree that if the Court applies the same reasoning as it did in *Estrada* it would conclude that Ms. Mihalich likewise cannot allege any injury in fact and lacks

standing to bring suit.

WHEREAS, Plaintiffs Estrada and Mihalich reserve the right to appeal the Court's rulings dismissing their complaints for failure to allege any injury in fact;

WHEREAS, to save the resources of the Court and the Parties in re-briefing this issue in *Mihalich*, and in the interest of efficiency, the Parties jointly request that the *Mihalich* case—the only other consumer class case pending before the Court as part of *In re Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigations*—be dismissed for the same reasons as set forth the Court's opinion in *Estrada* (ECF No. 50) and that the matter be closed.

NOW, THEREFORE, the Parties hereby stipulate and request that the Court:

1. Dismiss the *Mihalich* consumer class case (Case No. 3:16-cv-06695-FLW-LHG) on the basis that Plaintiff Mihalich does not allege any injury in fact and lacks standing to bring suit; and
2. Enter final judgment in *Mihalich* and order that the matter be closed.

IT IS SO STIPULATED.

Dated: September 26, 2017

BLOOD HURST & O'REARDON, LLP
Timothy G. Blood
Paula R. Brown

By: s/ Timothy G. Blood
TIMOTHY G. BLOOD

701 B Street, Suite 1700
San Diego, CA 92101
T: 619/338-1100
Attorneys for Plaintiff Barbara Mihalich

GOLDENBERG HELLER ANTOGNOLI
& RWOLAND, P.C.
Mark C. Goldenberg 300990221
Thomas P. Rosenfeld #06301401
Kevin P. Green #6299905
222 South State Route 157

Edwardsville, IL 62025

T: 618/656-5150

Attorneys for Plaintiff Barbara Mihalich

Dated: September 26, 2017

O'MELVENY & MYERS LLP

Matthew D. Powers

By: s/ Matthew D. Powers

MATTHEW D. POWERS

Two Embarcadero Center, 28th Floor

San Francisco, CA 94111-3823

T: 415/984-8700

F: 415/984-8701

*Attorneys for Defendants Johnson & Johnson;
and Johnson & Johnson Consumer Inc.*

[PROPOSED] ORDER

THIS MATTER having come before the Court upon the joint stipulation and request by Plaintiff Barbara Mihalich and Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc., and the Court having considered the stipulation and request and for good cause shown,

IT IS on this ____ day of _____, 2017, **ORDERED**

1. The *Mihalich* consumer class case, Case No. 3:16-cv-06695-FLW-LHG, is **DISMISSED WITH PREJUDICE** on the basis that Plaintiff Mihalich does not allege any injury in fact and lacks standing to bring suit; and
2. The *Mihalich* matter be **CLOSED**.

Dated:

The Honorable Freda L. Wolfson
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was electronically filed with the United States District Court, District of New Jersey, via the Court's CM/ECF filing system, which will send notification of such filing to counsel of record, on September 26, 2017.

s/ Timothy G. Blood

TIMOTHY G. BLOOD